

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

ROBERT E. WOODWARD
#0452670

PLAINTIFF

v.

No. 5:19-cv-49-DPM

WENDY KELLEY, Director, Arkansas
Department of Correction; and JAMES
GIBSON, Warden, Varner Unit, ADC

DEFENDANTS

ORDER

Post-judgment motions, *No. 16 & No. 18-21*, denied. First, the Court did not retain jurisdiction to enforce the settlement agreement. *Kokkonen v. Guardian Life Insurance Company of America*, 511 U.S. 375 (1994). Second, to the extent Woodward's arguments are reachable under Federal Rule of Civil Procedure 60, they lack merit. Any breach due to Woodward's being accepted into the facility in North Carolina one hour and forty-two minutes later than expected was not material. *TXO Production Corp. v. Page Farms, Inc.*, 287 Ark. 304, 308, 698 S.W.2d 791, 793-94 (1985). And there's no clear and convincing evidence of fraud or misrepresentation warranting relief from the Judgment. FED. R. CIV. P. 60(b); *United States v. Metropolitan St. Louis Sewer District*, 440 F.3d 930, 935 (8th Cir. 2006). This case is closed.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

16 April 2019